

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * *

JOSEPH ANTONETTI,)
Plaintiff,) 3:11-cv-00548-LRH-WGC
v.)
BARACK OBAMA, *et al.*,) ORDER
Defendants.)

Before the Court is Joseph Antonetti’s (“Antonetti”) Motion for Certificate of Appeal (Doc. #96¹), Motion for Change of Venue (Doc. #97), and Motion for Stay (Doc. #98). Pursuant to the Court’s Order (Doc. #101), Defendants filed an Opposition to the aforementioned Motions (Doc. #103). Antonetti filed a Reply (Doc. #104).

Here, Antonetti seeks appellate review of the Court’s Orders denying class certification (Doc. # 12²), denying appointment of counsel (Doc. # 45), denying appointment of experts (Doc. #45; Doc. #53), denying extension of time to amend complaint (Doc. #45), denying request for assistance in witness presence (Doc. #80), and consolidating the present case under related case number 3:10-cv-00158-LRH-WGC (Doc. #95). The Orders to which Antonetti refers are not final

¹ Refers to the Court's docket number.

² Antonetti did not file a motion for class certification.

1 orders, appealable pursuant to 28 U.S.C. § 1291. Nor do they involve a controlling question of law
2 such that an immediate appeal would be warranted pursuant to 28 U.S.C. § 1292(b). Finally, they
3 do not fall into the limited category of orders which are immediately reviewable under the collateral
4 order exception to 28 U.S.C. § 1291 as they are reviewable on appeal from final judgment. *See*
5 *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468 (1978) (an otherwise unappealable order is
6 considered “final” and therefore appropriate for immediate review if it (1) conclusively determines
7 the disputed question, (2) resolves an important issue completely separate from the merits, and
8 (3) would be effectively unreviewable on appeal from a final judgment); *see also Cohen v.*
9 *Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949). Accordingly, his Motion shall be denied.

10 Additionally, Antonetti’s Motion for Change of Venue and passing request for recusal are
11 without merit. Antonetti fails to cite any law in support thereof or explain his entitlement to either
12 request. His argument that the “system is rigged” simply does not warrant a change of venue
13 pursuant to 28 U.S.C. § 1404(a) or recusal pursuant to 28 U.S.C. § 455. Accordingly, his Motion
14 shall be denied.

15 Finally, because the Court denied interlocutory appeal, Antonetti’s Motion for Stay Pending
16 Appeal is denied as moot.

17
18 IT IS THEREFORE ORDERED that Antonetti’s Motion for Certificate of Appeal (Doc.
19 #96) is DENIED.

20 IT IS FURTHER ORDERED that Antonetti’s Motion for Change of Venue (Doc. #97) is
21 DENIED.

22 IT IS FURTHER ORDERED that Antonetti’s Motion for Stay (Doc. #98) is DENIED.

23 IT IS SO ORDERED.

24 DATED this 25th day of August, 2014.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE